

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

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*Ex parte* BASSEL H. DAOUD

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Appeal No. 2002-0507  
Application No. 09/405,872

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ON BRIEF

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Before GROSS, BARRY, SAADAT, *Administrative Patent Judges*.  
BARRY, *Administrative Patent Judge*.

**DECISION ON APPEAL**

A patent examiner rejected claims 1-10 and 12-19. The appellant appeals therefrom under 35 U.S.C. § 134(a). We reverse.

**BACKGROUND**

The invention at issue on appeal relates to telephone connectors. According to the appellant, such connectors are "used where wire enters buildings as a termination for telephone cables." (Spec. at 1.) He adds, "wave solder application of a printed circuit board on a connector provides specific problems which have resulted in very poor welding. More particularly, unless the printed circuit board is properly positioned

on the pins of the connector, including maintaining proper height and planer disposition, a proper wave solder application cannot be obtained." (Appeal Br. at 4.)

Accordingly, the appellant's invention is a bracket for holding a printed circuit board ("PCB") to a connector "in proper orientation for the wave solder application." (*Id.*) More specifically, the bracket includes a shelf for supporting the PCB above the connector and a latch for retaining the PCB on the shelf. The bracket is screwed to the connector via a hole in the bracket. (Spec. at 1-2.)

A further understanding of the invention can be achieved by reading the following claim.

1. A bracket for holding a printed circuit board in relation to a connector for wave solder application, the connector having a block with one or more mounting screwholes therein and a plurality of wire wrap pins extending upwardly therefrom, comprising a mounting element adapted to engage at least one mounting screwhole on the connector for attaching the bracket to the connector, a shelf for supporting at least a portion of a bottom of the printed circuit board at a predetermined height above the connector and a latch for retaining the printed circuit board on the shelf.

Claims 1-9 and 12-19 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,767,338 ("Dennis"). Claim 10 stands rejected under 35 U.S.C. § 103(a) as obvious over Dennis.

## OPINION

Rather than reiterate the positions of the examiner or the appellant *in toto*, we address the main point of contention therebetween. The examiner "opin[es] that the bracket of Dennis can be used to hold a printed circuit board to a connector." (Examiner's Answer at 6.) The appellant argues, "the Dennis reference fails to disclose the '*mounting element* adapted to engage at least one mounting screwhole on the connector *for attaching the bracket to the connector*' as presently claimed." (Reply Br. at 2.) He adds, "[t]his is because . . . Dennis *replaces* a connector, it does *not* mount to a connector." (*Id.* at 3.) In addressing the point of contention, the Board conducts a two-step analysis. First, we construe the claims to determine their scope. Second, we determine whether the construed claims are anticipated or would have been obvious.

### *Claim Construction*

"Analysis begins with a key legal question -- *what* is the invention *claimed*?" *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1567, 1 USPQ2d 1593, 1597 (Fed. Cir. 1987). "In construing claims, the analytical focus must begin and remain centered on the language of the claims themselves. . . ." *Interactive Gift Express, Inc. v. Compuserve, Inc.*, 256 F.3d 1323, 1331, 59 USPQ2d 1401, 1406 (Fed. Cir. 2001) (citing 35 U.S.C. § 112, ¶2).

Here, independent claim 1 specifies in pertinent part the following limitations: "[a] bracket for holding a printed circuit board in relation to a connector . . . having a block with one or more mounting screwholes therein and a plurality of wire wrap pins extending upwardly therefrom, comprising a mounting element adapted to engage at least one mounting screwhole on the connector for attaching the bracket to the connector. . . ." Claim 12, the other independent claim on appeal, includes similar limitations. Focussing on the language of the independent claims, the limitations require a bracket having a mounting element for attaching the bracket to a connector block via at least one mounting screwhole in the connector block, the block having wire wrap pins extending upwardly therefrom.

#### *Anticipation Determination*

"Having construed the claim limitations at issue, we now compare the claims to the prior art to determine if the prior art anticipates those claims." *In re Cruciferous Sprout Litig.*, 301 F.3d 1343, 1349, 64 USPQ2d 1202, 1206 (Fed. Cir. 2002). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (citing *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 715, 223 USPQ 1264, 1270 (Fed. Cir. 1984); *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548, 220

USPQ 193, 198 (Fed. Cir. 1983); *Kalman v. Kimberly-Clark Corp.*, 713 F.2d760, 771, 218 USPQ 781, 789 (Fed. Cir. 1983)). "[A]bsence from the reference of any claimed element negates anticipation." *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565, 1571, 230 USPQ 81, 84 (Fed. Cir. 1986).

Here, Dennis discloses "a standoff telephone mounting bracket 4. . . ." Col. 3, l. 19. "The mounting bracket 4 includes a pair of elongated side walls 8, 9 which are spaced apart and joined together along a lower edge thereof by end dividers 10, 11, middle divider 12 and bracing dividers 13, 14." *Id.* at ll. 27-30. Mounting elements are included in the bracket as "mounting holes 16 in one or more of the dividers 10-14." *Id.* at 35-36. Although the reference's bracket includes mounting holes, we are not persuaded that the holes are used to attach the bracket to a connector block having wire wrap pins extending upwardly therefrom. To the contrary, "[t]he bracket 4 may be attached **to a support structure, wall or the like** by placing a screw or bolt through mounting holes 16 in one or more of the dividers 10-14." *Id.* at ll. 33-36 (emphasis added).

The absence from the reference of attaching a bracket to a connector block having wire wrap pins extending upwardly therefrom negates anticipation. Therefore,

we reverse the anticipation rejection of claim 1; of claims 2-9, which depend therefrom; of claim 12; and of claims 13-19, which depend therefrom.

### *Obviousness Determination*

"In rejecting claims under 35 U.S.C. Section 103, the examiner bears the initial burden of presenting a *prima facie* case of obviousness." *In re Rijckaert*, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993) (citing *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992)). "A *prima facie* case of obviousness is established when the teachings from the prior art itself would . . . have suggested the claimed subject matter to a person of ordinary skill in the art." *In re Bell*, 991 F.2d 781, 783, 26 USPQ2d 1529, 1531 (Fed. Cir. 1993) (quoting *In re Rinehart*, 531 F.2d 1048, 1051, 189 USPQ 143, 147 (CCPA 1976)). "A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant." *In re Gurley*, 27 F.3d 551, 553, 31 USPQ2d 1130, 1131 (Fed. Cir. 1994)

Here, Dennis mentions a connector block having wire wrap pins extending upwardly therefrom. Specifically, "[a] commonly used terminal connecting block is referred to as the '66-type' quick connect block. Such a connecting block includes an

upper portion, having a multiplicity of connecting clips. . . ." Col. 1, ll. 36-39. "[E]ach connecting clip may have a post extending through a rear surface of the block and wires are wire-wrapped to each post in the factory in a desired arrangement." *Id.* at ll. 44-46.

The reference emphasizes, however, that "[s]uch prior art connecting blocks have a number of disadvantages." *Id.* at ll. 53-54. More specifically, "[m]anufacture and installation of the blocks are quite labor intensive and time consuming, requiring that a large number of wires (upwards of one-hundred wires or more for each block) be either hand wired to the connecting clips on the block or individually wire-wrapped to the posts beneath the block." *Id.* at ll. 54-60. "[T]o overcome the disadvantages of the prior art [connecting blocks], [Dennis] invented a pre-wired telephone interface which is easily secured to a telephone mounting bracket." Col. 2, ll. 5-8. Because the reference leads in a direction divergent from a connecting block with wire wrap pins extending upwardly therefrom, we are persuaded that it teaches away from attaching Dennis' telephone mounting bracket to a connector block having wire wrap pins extending upwardly therefrom. Therefore, we reverse the obviousness rejection of claim 10.

### CONCLUSION

In summary, the rejection of claims 1-9 and 12-19 under § 102(b) is reversed.  
The rejection of claim 10 under § 103(a) is also reversed.



REVERSED

ANITA PELLMAN GROSS  
Administrative Patent Judge

LANCE LEONARD BARRY  
Administrative Patent Judge

MAHSHID D. SAADAT  
Administrative Patent Judge

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